

**Introduced by Senator Mountjoy**

February 25, 2000

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An act relating to gasoline, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1972, as introduced, Mountjoy. Reformulated gasoline: oxygenates and alkylates.

Existing law requires the State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board, to develop a timetable for the removal of MTBE from gasoline at the earliest possible date.

This bill would enact the Alternative Oxygenate Public Health and Environmental Protection Act of 2000. The bill would appropriate \$500,000 from the Motor Vehicle Fuel Account in the Transportation Tax Fund to the University of California for a specified study and assessment of the human health and environmental risks and benefits, if any, of using oxygenates or alkylates, other than MTBE, in gasoline. The bill would require the report to be submitted to the Governor by January 1, 2002. The bill would require the Governor to take prescribed actions, including certifying whether there is a risk to human health or the environment of using oxygenates or alkylates, other than MTBE, in gasoline, and taking appropriate action to protect public health and the environment if there is such a risk.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known, and may be cited, as the Alternative Oxygenate Public Health and Environmental Protection Act of 2000.

SEC. 2. The Legislature hereby finds and declares that the purpose of this act is to provide the public and the Legislature with a thorough and objective evaluation of the human health and environmental risks and benefits, if any, of oxygenates or alkylates that may be used as an alternative to methyl tertiary-butyl ether (MTBE) in gasoline.

SEC. 3. (a) The sum of five hundred thousand dollars (\$500,000) is hereby appropriated from the Motor Vehicle Fuel Account in the Transportation Tax Fund to the University of California to conduct an independent study and assessment of the human health and environmental risks and benefits, if any, associated with the use of oxygenates or alkylates that may be used as an alternative to MTBE in gasoline.

(b) It is the intent of the Legislature that this study be undertaken by the University of California to assure that the results will be objective and academically sound, and that the report will reflect the high standards expressed in the university's Policy on Integrity in Research.

(c) The assessment shall commence immediately upon the university's agreement and shall include, but not be limited to, all of the following components:

(1) An assessment of the risks and benefits to human health and the environment of oxygenates or alkylates that may be used as an alternative to MTBE in gasoline.

(2) An assessment of available research and data on the impact of those oxgenates or alkylates on human health and the environment in each state where those oxygenates or alkylates have been used in gasoline at levels of 10 percent or greater, by volume, within the last five years.

(3) An assessment of the risks to human health and the environment associated with those oxygenates or alkylates leaking from underground and aboveground

1 storage tanks, from surface watercraft and other sources  
2 of pollution caused by those oxygenates or alkylates in  
3 surface water bodies, and from oceangoing tankers in  
4 coastal waterways of this state.

5 (4) An analysis of current levels of those oxygenates or  
6 alkylates in the state's drinking water, reservoirs, lakes,  
7 and streams.

8 (5) An evaluation of the costs and effectiveness of  
9 treatment technologies available to remove those  
10 oxygenates or alkylates from surface waters,  
11 groundwaters, and drinking water.

12 (6) An assessment of the impact of those oxygenates or  
13 alkylates on vehicle parts and the efficient operation of  
14 vehicles.

15 (7) An assessment of the corrosive effects of those  
16 oxygenates or alkylates on the structural integrity of  
17 fiberglass storage tanks, which may be undertaken in  
18 consultation with the California Fire Chiefs Association  
19 and other recognized experts on the matter.

20 (8) Identification and quantification of all of the  
21 combustion byproducts of those oxygenates or alkylates  
22 in California's reformulated oxygenated fuel and the type  
23 of analytical methods used and their sensitivity.

24 (9) An evaluation of the scientific peer-reviewed  
25 research and literature on the human health and  
26 environmental effects of those oxygenates or alkylates, as  
27 well as any original research necessary to provide the  
28 information specified in paragraphs (1) to (8), inclusive.

29 (d) On or before January 1, 2002, the university shall  
30 submit a draft report on the assessment conducted  
31 pursuant to this section to the Governor. Upon receiving  
32 the draft report, the Governor shall take all of the  
33 following actions:

34 (1) Immediately transmit the draft report without any  
35 alteration to the United States Geological Survey and to  
36 the Agency for Toxic Substances and Disease Registry at  
37 the Centers for Disease Control for their comments,  
38 which shall be part of the public record. The comment  
39 period shall be approximately six weeks.

1 (2) Issue a notice of intent to hold two public hearings,  
2 and hold those hearings, one in northern California and  
3 one in southern California, on dates that are not more  
4 than 30 days from the date of receipt of the comments  
5 from the United States Geological Survey and the Agency  
6 for Toxic Substances and Disease Registry, for the  
7 purpose of accepting public testimony on the assessment  
8 and report.

9 (e) Within 10 days from the date of the completion of  
10 the public hearings held pursuant to paragraph (2) of  
11 subdivision (d), the Governor shall issue a written  
12 certification as to the human health and environmental  
13 risks of using oxygenates or alkylates, other than MTBE,  
14 in gasoline in this state. The certification shall be based  
15 solely upon the assessment and report submitted  
16 pursuant to this section and any testimony presented at  
17 the public hearings. The certification shall state either of  
18 the following conclusions:

19 (1) That, on balance, there is no significant risk to  
20 human health or the environment of using oxygenates or  
21 alkylates, other than MTBE, in gasoline in this state.

22 (2) That, on balance, there is a significant risk to  
23 human health or the environment of using oxygenates or  
24 alkylates, other than MTBE, in gasoline in this state.

25 (f) If the Governor makes the certification described  
26 under paragraph (2) of subdivision (e), then,  
27 notwithstanding any other provision of law, the Governor  
28 shall take appropriate action to protect public health and  
29 the environment.

30 SEC. 4. (a) If the sale and use of oxygenates or  
31 alkylates in gasoline is discontinued pursuant to  
32 subdivision (f) of Section 3 of this act, the state shall not  
33 thereafter adopt or implement any rule or regulation that  
34 permits or requires the use of those oxygenates or  
35 alkylates in gasoline.

36 (b) If the sale and use of oxygenates or alkylates is to  
37 be discontinued pursuant to subdivision (f) of Section 3  
38 of this act, the State Air Resources Board shall  
39 immediately notify the Environmental Protection

1 Agency that the use of those oxygenates or alkylates in  
2 gasoline in this state will be discontinued.

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